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| 10/016,790      | 10/19/2001  | Paul James Hough     | MICR0252            | 6061             |

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                      |  |              |  |
|------------------------------|----------------------|--|--------------|--|
| <b>Office Action Summary</b> | Application No.      |  | Applicant(s) |  |
|                              | 10/016,790           |  | HOUGH ET AL. |  |
|                              | Examiner             |  | Art Unit     |  |
|                              | Benjamin R. Bruckart |  | 2155         |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

Claims 1-27 are pending in this Office Action.

Claims 1, 12 and 21 are amended.

The 35 U.S.C. 101 rejection is withdrawn in light of applicant's amendment and arguments.

***Specification***

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Page 3, line 16 contains a hyperlink to a website and Page 13 line 4 contains a mail link to an electronic mail address. The examiner suggest changing these to something along the lines of www dot askjeeves dot com and mailto (colon) personneldataapplication (at) pvserver dot com.

**Response to Arguments**

Applicant's arguments filed in the amendment filed 12/1/05 have been fully considered but they are not persuasive. The reasons are set forth below.

**Applicant's invention as claimed:**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3-4, 6-13, 15-17, 20-24, 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,346,952 by Shtivelman.**

Regarding claim 1, a computer implemented method for including a software resource as a participant within an online chat session conducted through a messaging service (Shtivelman: col. 4, lines 37-47), comprising the steps of:

- (a) registering the software resource to indicate that it is available to participate in an online chat session, when said software resource is executed (Shtivelman: col. 11, lines 17-21);
- (b) enabling a user to include the software resource within a list of participants in the online chat session (Shtivelman: col. 7, lines 9-13, lines 46-60);
- (c) enabling a user to enter a plain language message within an online chat session user interface (Shtivelman: col. 12, lines 28, lines 52-57);
- (d) transmitting the message to the software resource (Shtivelman: col. 12, lines 52-57; parse incoming queries);
- (e) parsing the plain language message received by the software resource (Shtivelman: col. 12, lines 52-57; parse incoming queries);
- (f) determining a plain language response to the message (Shtivelman: col. 13, lines 1-18); and
- (g) transmitting the plain language response from the software resource back to the user (Shtivelman: col. 13, lines 45-61).

Regarding claim 3, the method of claim 1, further comprising the step of enabling the user to selectively add another person as a participant in the online chat session, said other person also receiving the plain language response from the software resource (Shtivelman: col. 7, lines 46-60).

Regarding claim 4, the method of claim 1, wherein, if the software resource is unable to determine a plain language response to the plain language message, the response is one of a nil response and an indication that a response cannot be provided (Shtivelman: col. 14, lines 31-33; ignored... nil response).

Regarding claim 6, the method of claim 1, wherein the plain language message comprises a query, and the plain language response comprises data responsive to the query (Shtivelman: col. 12, lines 49- col. 13, line 6).

Regarding claim 7, the method of claim 1, wherein, for the user, the online chat session is implemented by a messaging service program (Shtivelman: col. 6, lines 1-14; instant messaging).

Regarding claim 8, the method of claim 1, wherein the step of registering comprises the step of registering with a messaging service server through which the messaging service is implemented for all participants in the online chat session, including the software resource (Shtivelman: col. 7, lines 12-15; joining in a chat session; col. 11, lines 20-21; log-on).

Regarding claim 9, the method of claim 1, wherein the step of determining the plain language response includes the step of employing the software resource to search through data accessible by the software resource to find data provided in the plain language response (Shtivelman: col. 12, lines 52- col. 13, lines 27; matching query with response).

Regarding claim 10, a machine readable media having processor-executable machine instructions for performing steps (b)-(d) as recited in claim 1 (Shtivelman: col. 7, lines 9-26).

Regarding claim 11, a machine readable media having processor-executable machine instructions for performing steps (a) and (e)-(g) as recited in claim 1 (Shtivelman: col. 11, lines 20-21; col. 12, lines 49- col. 13, line 12).

Regarding claim 12, a method for accessing information available through a software resource during a messaging service session (Shtivelman: col. 4, lines 37-47), comprising the steps of:

(a) indicating each participant in the messaging service session, a software resource being included as a participant (Shtivelman: col. 7, lines 9-13, lines 46-60);

(b) enabling a user to enter a plain language query in the messaging service session (Shtivelman: col. 12, lines 28, lines 52-57);

(c) transmitting the plain language query to the software resource (Shtivelman: col. 12, lines 52-57; parse incoming queries);

(d) parsing the plain language query at the software resource (Shtivelman: col. 12, lines 52-57; parse incoming queries);

(e) automatically determining information responsive to the software query, using the software resource (Shtivelman: col. 13, lines 1-18); and

(f) transmitting the information responsive to the software query back to the user (Shtivelman: col. 13, lines 45-61).

Regarding claim 13, the method of claim 12, wherein the software resource and all other participants in the messaging service session are coupled in communication over a network (Shtivelman: col. 4, lines 37-54; col. 5, lines 9-20).

Regarding claim 15, the method of claim 12, further comprising the step of enabling the user to selectively direct the plain language query to the software resource (Shtivelman: col. 12, lines 35-54; Figure 8).

Regarding claim 15, the method of claim 12, further comprising the step of enabling the user to selectively direct the plain language query to the software resource (Shtivelman: col. 12, lines 35-54; Figure 8).

Regarding claim 16, the method of claim 12, wherein the software resource comprises a data manager program that accesses a store of data to find the information responsive to the plain language query transmitted from the user (Shtivelman: col. 13, lines 1-18).

Regarding claim 17, the method of claim 12, further comprising the step of transmitting an indication from the software resource to the user that information responsive to the plain language query could not be provided (Shtivelman: col. 13, lines 45-61).

Regarding claim 20, the method of claim 12, wherein a plurality of software resources are included in a list of prospective participants in the messaging service session (Shtivelman: Figure 8, tag 169).

Regarding claim 21, a system for enabling a software resource to respond as a conventional participant in a messaging service session implemented over a network (Shtivelman: col. 4, lines 37-47), comprising:

- (a) a messaging service server coupled to the network and programmed for implementing registration of prospective instant message participants available to be added to a messaging service session as participants (Shtivelman: col. 5, lines 9-28; col. 7, lines 9-20);

- (b) a user computing device coupled to the network and including a processor (Shtivelman: col. 5, lines 9-25) programmed to:

- (i) execute a messaging service session in which a user is a participant (Shtivelman: col. 7, lines 9-15; Figure 8);

- (ii) add a software resource as a participant in the messaging service session (Shtivelman: col. 7, lines 9-13, lines 46-60); and

(c) a software resource computing device coupled to the network and programmed (Shtivelman: col. 7, lines 20-35) to:

- (i) execute the software resource (Shtivelman: col. 7, lines 9-13);
- (ii) register the software resource with the messaging service server when the software resource is available to participate in a messaging service session (Shtivelman: col. 7, lines 13-19; joining in running chat session; col. 11, lines 20-21; log-on);
- (iii) parse a plain language query received from the user during the messaging service session (Shtivelman: col. 12, lines 52-57; parse incoming queries);
- (iv) access data with the software resource to find information responsive to the plain language query (Shtivelman: col. 13, lines 1-18); and
- (iv) transmit said information to the user computing device over the network (Shtivelman: col. 13, lines 45-61).

Regarding claim 22, the system of claim 21, wherein the software resource computing device includes a data store from which the information is derived to respond to the plain language query received during the messaging service session (Shtivelman: col. 13, lines 1-13; KB= knowledge base).

Regarding claim 23, the system of claim 21, wherein the user computing device includes a user interface that enables a user to enter the plain language query into the messaging service session (Shtivelman: col. 12, lines 28, lines 52-57).

Regarding claim 24, the system of claim 21, wherein the user computing device includes a display on which the messaging service session is viewed, an image viewable during said messaging service session including an indication of whether the software resource is available to participate in the messaging service session (Shtivelman: figure 8).

Regarding claim 26, apparatus that enables a user to interact with a software resource during a messaging service session (Shtivelman: col. 4, lines 37-47), comprising:



(a) a network interface that connects to a network over which the messaging service session is communicated (Shtivelman: col. 4, lines 37-54; col. 7, lines 9-13; computer equipment);

(b) a display (Shtivelman: col. 7, lines 9-13; computer equipment; Figure 8);

(c) a user input device (Shtivelman: col. 7, lines 9-13; computer equipment; to input text for query);

(d) a memory in which a plurality of machine instructions are stored (Shtivelman: col. 7, lines 9-13; computer equipment); and

(e) a processor coupled to the network interface, the display, the user input device, and the memory, said processor executing the machine instructions, causing the processor to carry out a plurality of functions (Shtivelman: col. 7, lines 9-13; computer equipment), including:

(i) registering a user with a messaging service as being available to participate in a messaging service session (Shtivelman: col. 7, lines 9-19; joining and participating in a session);

(ii) enabling a user to add one or more participants to a messaging service session, at least one participant that is added comprising a software resource that is registered as being available to participate in the messaging service session as a participant (Shtivelman: col. 7, lines 9-13, lines 46-60);

(iii) enabling a user to enter a plain language query with the user input device (Shtivelman: col. 12, lines 28, lines 52-57);

(iv) transmitting the plain language query over the network to each participant in the messaging service session (Shtivelman: col. 7, lines 46-60); and

(v) receiving a response over the network from a software resource responding to the plain language query (Shtivelman: col. 13, lines 45-61).

Regarding claim 27, apparatus that enables a software resource to interact as a participant during a messaging service session (Shtivelman: col. 4, lines 37-47), comprising:

(a) a network interface that connects to a network over which the messaging service session is communicated (Shtivelman: col. 4, lines 37-54; col. 7, lines 9-13; computer equipment);

(b) a memory in which a plurality of machine instructions are stored (Shtivelman: col. 13, lines 1-13; KB); and

(c) a processor coupled to the network interface, and the memory, said processor executing the machine instructions, causing the processor to carry out a plurality of functions (Shtivelman: col. 7, lines 9-13; computer equipment), including:

(i) registering the software resource with a messaging service as being available to participate in a messaging service session (Shtivelman: col. 7, lines 9-19; col. 11, lines 20-21);

(ii) parsing a plain language query received from a user during a messaging service session in which the software resource has been added as a participant (Shtivelman: col. 12, lines 49-67; parsing incoming query);

(iii) finding data responsive to the plain language query (Shtivelman: col. 13, lines 1-13); and

(iv) transmitting the data over the network to a user who entered the plain language query (Shtivelman: col. 13, lines 45-61).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 5, 14, 18, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,346,952 by Shtivelman in view of U.S. Patent No. 6,564,261 by Gudjonsson et al ("Gudj").**

Regarding claim 2,

The Shtivelman reference teaches the method of claim 1, further comprising the step of enabling the user to selectively direct the message to the software resource (Shtivelman: col. 12, lines 35-54; Figure 8).

The Shtivelman reference does not explicitly state directing the message but shows it once a conversation is started (Fig. 8).

The Gudj reference teaches selectively directing the message to another user (Gudj: col. 9, lines 14-17; the invitation).

The Gudj reference further teaches the invitation requests are requests join in a communication session (Gudj: col. 9, lines 8-10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of software resource in a chat session as taught by Shtivelman while employing directing the message as taught by Gudj in order to create a communication session between two entities (Gudj: col. 9, lines 8-10).

Claim 5 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Shtivelman and Gudjonsson et al.

Regarding claim 5, the method of claim 1, further comprising the step of providing a graphic indication that the software resource is online and available to participate in the online chat session as a participant (Shtivelman: Figure 8; agent assigned to session; col. 11, lines 20-26; Gudj: col. 11, lines 50-59).

Regarding claim 14,

The Shtivelman reference teaches the method of claim 12.

The Shtivelman reference does not explicitly state selectively adding the software resource.

The Gudj reference teaches enabling the user to selectively add a user to the messaging service session from a list of prospective participants (Gudj: col. 12, lines 55-65).

The Gudj reference further teaches the invitation requests are requests join in a communication session (Gudj: col. 9, lines 8-10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of software resource in a chat session as taught by Shtivelman while employing directing the message as taught by Gudj in order to create a communication session between two entities (Gudj: col. 9, lines 8-10).

Claim 18 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Shtivelman and Gudjonsson et al.

Regarding claim 18, the method of claim 12, further comprising the step of providing an indication to a user when the software resource is unavailable to participate in a messaging service session (Gudj: col. 11, lines 50-59).

Regarding claim 25,

The Shtivelman reference teaches the system of claim 21.

The Shtivelman reference does not explicitly state selectively add a software resource.

The Gudj reference teaches a user computer device is programmed to enable a user to selectively add another user as a participant in the messaging service session (Gudj: col. 11, lines 50-59).

The Gudj reference further teaches the invitation requests are requests join in a communication session (Gudj: col. 9, lines 8-10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of software resource in a chat session as taught by Shtivelman

while employing directing the message as taught by Gudj in order to create a communication session between two entities (Gudj: col. 9, lines 8-10).

**Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,346,952 by Shtivelman in view of U.S. Patent No. 6,373,853 by Yoshida.**

Regarding claim 19,

The Shtivelman reference teaches the method of claim 12.

The Shtivelman reference does not explicitly state retrieving a network address from a knowledge base.

The Yoshida reference does teach information provided by the software resource includes a network address at which data responsive to the query are located (Yoshida: col. 6, lines 47-61).

The Yoshida reference further teaches the mapping table helps resolve dynamic address information (Yoshida: col. 1, lines 14-43)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of software resource in a chat session as taught by Shtivelman while employing network address data as taught by Yoshida in order to map dynamically address resources (Yoshida: col. 1, lines 14-43).

### **REMARKS**

Applicant has amended three of the six independent claims to comply with 35 U.S.C. 101. Applicant has argued the rejection focusing on the independent claims. The examiner maintains the rejection and will address citations as well arguments below.

### **The Applicant Argues:**

1) Claim 1 preamble “a method for including a software resource as a participant within an online chat session conducted through a messaging service.”

2) Claim 1, subparagraph A “registering the software resource to indicate that it is available to participate in an online chat session, when said software resource is execute”.

3) Claim 1, subparagraph B “enabling a user to include the software resource within a list of participants in the online chat session”.

4) Claim 27, subparagraph (C)(I) “registering the software resource with a messaging service as being available to participate in a messaging service session”.

**In response**, the examiner respectfully submits:

The Shtivelman reference teaches the claimed limitations. Regarding argument 1, applicant argues the preamble of the claim; stating Shtivelman doesn't teach the cited limitations. Shtivelman teaches a software resource interpreted to be the agent in col. 4, lines 37-47. Shtivelman teaches chat room communication has become a great tool for communication and agents host chat sessions interpreted as the online chat session through a messaging service. Shtivelman teaches the agent participates in the chat throughout the entire article. While applicant argues summarizing threads is the use of the agents, the examiner will point out Shtivelman shows the agent participating in the chat session in many ways. Col. 2, lines 30-41 teaches agents participating in chat sessions according to loads, skills and how agents can be assigned, reassigned, relieved. Col. 4, lines 37-47 teach agents lead chat sessions. Col. 7, lines 20-37 teaches agents monitor and respond in chat sessions and in col. 13, lines 37-44 responses to queries are sent to the agent to respond to the client

Regarding arguments 2 and 4, Shtivelman teaches registering to indicate that it is available to participate in a chat session is taught in col. 11, lines 17-26. Registering is interpreted to be when the agents who log onto the network. When the agent is executed it will log on will accept initial chat sessions on network servers and can be reassigned based on need or load. If the agent doesn't log on, then it cannot participate or join or host a chat session therefore registering is an act of setup and registering as available. Applicant argues the reference is for human agents but the word human does not appear in the paragraph. The agents are software resources used to communicate through the chat system. Applicant has not distinguished the software reason from human agents. Furthermore, Shtivelman draws agents to resources with auto assisting and automatic elements to record and respond to queries.

Regarding argument 3, Shtivelman teaches enabling a user to include the software resource within a list of participants in the chat session. Applicant has not defined a user as another participant or a person using the software resource or an administrator, therefor leaving it open to interpretation. Shtivelman teaches in Fig. 8 and col. 20, lines 18-20 the agent (software resource) is listed with other participants in the session. Col. 7, lines 9-13 and 46-60 teach more than one and other users can be involved in different chat sessions depending on the topic.

The examiner suggests adding more detail about the software resource and its relationship in the list and with 'a user.'

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155

brb



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER